THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24394 OF 2006

DATED 05TH JANUARY, 2007

Between

Maddini Veeranagaiah and another

... Petitioners

AND

The District Collector, Kadapa District, Kadapa and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24394 OF 2006

ORDER:

The two petitioners are sons of Maddini Bakkaiah and are residents of Tsundupalli Mandal in Kadapa District. They filed the instant writ petition assailing the proceedings of the third respondent, dated 23.11.2005 whereunder the third respondent purportedly resumed the lands admeasuring Acs.5.76 in survey Nos.26/1 (Acs.3.00), 26/2 (Acs.1.14), 26/3 (Acs.0.85) and 26/4 (Acs.0.67) situated at Akkampalli village.

The subject land was statedly assigned to the grandfather of the petitioners, China Bakkaiah. After his death, the petitioners have been cultivating the lands and they have also raised mango garden in an extent of Acs.4.50 cents in survey No.26/5 and 26/6. On 11.11.2006, a civil contractor came to the petitioners' land with heavy machinery for development and levelling the same on the pretext that the respondents 2 and 3 directed the contractor to do so. The petitioners approached the third respondent whereupon they were informed about the impugned order and purported resumption of the land. After obtaining a copy thereof, they filed the present writ petition assailing the same.

Though sufficient time is granted to the learned Assistant Government Pleader for Revenue (General-A), no counter affidavit is filed nor the Assistant Government Pleader has obtained any instructions.

Heard the learned counsel for the petitioners and learned Assistant Government Pleader for respondents. A perusal of the impugned order

would show that no notice whatsoever was given to the petitioners or their father while passing the impugned order. Therefore, *prima facie* the order suffers from incurable defect. However, on this ground, this Court is not inclined to interfere at this stage as petitioners have an effective alternative remedy by way of Appeal under para 15 of BSO 15 before the Revenue Divisional Officer (RDO), Kadapa. As per the impugned order, there is an existing mango garden in an extent of Ac.4.50 and therefore, there shall be *status quo* as on today. The petitioners are given liberty to prefer Appeal before the second respondent, who is directed to entertain the Appeal and pass appropriate reasoned order after conducting detailed enquiry into the matter. This exercise may be completed within a period of eight weeks from the date of filing of Appeal by the petitioners.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

05.01.2007
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